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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,994	02/21/2001	Yuly Zagysansky		4671

7590
11/19/2003
Yuly Zagysansky
Entraide
22 rue Ste Marthe
Stante
Paris Odeon, 75010
FRANCE

EXAMINER

VANORE, DAVID A

ART UNIT PAPER NUMBER

2881

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,994

Applicant(s)

ZAGYANSKY, YULY

Examiner

David A Vanore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed July 1, 2003 have been fully considered but they are not persuasive.

Examiner thanks applicant for the submission of the abstract as required under 37 CFR 1.72(b).

Applicant's response fails to overcome the outstanding rejection of all claims.

All claims are still directed towards non-patentable subject matter and therefore stand rejected under 35 USC 101.

Similarly, the response has failed to overcome the rejection under 35 USC 112 First Paragraph. There is no credible utility for the subject matter of the application.

Applicant has not corrected the multiple dependent claim objection.

Applicant's arguments do not credibly assert a utility for the claimed subject matter.

Since the Applicant has not substantially corrected the application as pointed out in the previous Office action, or submitted any credible argument to overcome the standing rejection and objection to the instant case, the rejection is upheld and is made Final.

Specification

The requirements for the layout of the specification are again cited for the benefit of the applicant.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

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Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

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- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc:
The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the

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invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

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The disclosure remains objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood:

The following are examples of incomprehensible statements in the disclosure:

(1) From Page 12, Lines 20-22 "...the Sun asked exactly the same quantity of the meteorites and the comets to compensate its mass loss. It is too naïve and is not even scientific."

(2) From Page 16 Lines 28-34 "Such energy source must be important for the Humanity (Cosmic Trips included). One can make the closed vessel from the neutros in the solid azote (for instance) with the hole for the vessel. One puts, for instance, the neutros between the double, separated by the wall and closes the vessel with the analogous cup (for instance in screwing)." Examiner notes that "azote" was defined by the alchemist/chemist Antoine Laurent Lavoisier as the fraction of air which does not support combustion.

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

A shortened statutory period for reply to this action is set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 stand rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 and 2 are directed to forces, which are physical phenomena. The Court has set forth that physical phenomena are not patentable subject matter. See MPEP Ch. 2105.

Claim 3 is directed to the bases of the "New Atomic Physics". Again, physical phenomena or the manifestation of nature are not patentable subject matter. See MPEP Ch. 2105.

Claim 4, directed to the "falsehood of the Theory of Relativity" is a claim directed towards an abstract idea. Abstract ideas are not patentable subject matter. See MPEP Ch. 2105.

Claim 7, directed towards the process of preparing the "neutro" particle is a claim directed towards trying to patent a physical phenomena. The Sun produces neutrinos and antineutrinos continuously. These well known particles irradiate protons in hydrogen throughout not only the Earth, but all of space. Therefore, the process claimed by the applicant of causing gamma rays to interact with neutrinos and antineutrinos is a naturally occurring process. Physical phenomena are not patentable subject matter. See MPEP Ch. 2105.

Claim 8, directed towards the utilization of the "neutro" particle, recites the limitation concerning the properties of the "neutro" where "these particles are much

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more inert than other barions." This is therefore a claim directed to a physical phenomenon and is therefore not patentable subject matter. See MPEP Ch. 2105.

Claims 5 and 9-11 depend on claims containing non-patentable subject matter, and therefore are also directed towards non-patentable subject matter because a dependent claim incorporates all the limitations to any preceding claim from which it depends.

Claims 1-11 rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

All the limitations presented by the applicant in claims 1-11 lack a credible utility. A person of ordinary skill in the art would consider the assertion, that the content of the applicant's disclosure presents a credible utility, to be incredible in the face of the body of contemporary knowledge. Nothing offered by the applicant would counter what contemporary knowledge might suggest. In the instant case, the claims are based on theories and forces submitted by the applicant, but these theories and forces are inconsistent with contemporary knowledge. Contemporary knowledge has been established, refined, and expanded through repeatable experimentation, observation, and peer collaboration. Applicant presents no empirical data, no evidence of any experimentation, and presents no clear, concise description of any experiment, or mathematical derivation which one of ordinary skill in the art would consider to be credible in the face of the body of contemporary knowledge.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-11 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific or substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

One skilled in the art would clearly not know how to make or use the claimed subject matter contained in claims 1-11. The specification lacks a concise, clear, and full disclosure of the means to enable one skilled in the art to carry out the scope of the applicants invention.

Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

No limitations present in claims 1-11 are described in the specification in such a way to enable one skilled in the art to make and/or use the invention. For example, the new unknown forces of claims 1 and 2, the perpetual motion machine of claim 10, or the flying carpet of claim 11 are not enabled by the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-11 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Objections

Claims 3 and 11 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to another claim in the alternative only. Furthermore, claim 11 depends from claim 5 which is a multiple dependent claim. A multiple dependent claim cannot depend from a multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 3 and 11 have not been further treated on the merits.

Claims 2-11 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

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Claim 2, drawn to a new unknown force, fails to limit claim 1 because claim 1 is a claim directed to the magnetic force.

Claim 5, drawn to a process for measuring the coordinates and speeds of particles, depends on claims 1, 2, and 3. Claims 1, 2, and 3 are respectively drawn to forces and to the bases of a New Atomic Physics. Claim 5 fails to further limit claims 1, 2, and 3 because a process for measuring the coordinates and speeds of particles fails to limit the claimed forces of claims 1 and 2 and the bases of a New Atomic Physics recited in claim 3, the matter of claim 5 appears to be divergent subject matter from claims 1 and 2.

Claims 6-8, drawn to the processes of using, detecting, preparing particles, depend from claim 4 drawn to the falsehood of the Theory of Relativity. Claim 4 is rejected above for lacking utility as its matter is drawn to an abstract idea. Claims 6-8 are further objected to for failing to limit the parent claim in that the processes of preparing, detecting, or utilizing particles fails to further limit the abstract idea of claim 4.

Claim 9, a claim drawn to a vessel for containing particles, depends from claim 4. Claim 4 is a claim drawn to the falsehood of the Theory of Relativity. Claim 4 is rejected above for lacking utility as its matter is drawn to an abstract idea. Claim 9 is further objected to for failing to limit the parent claim in that a material object, in the instant case, a vessel, cannot further limit a claim to an abstract idea.

Claim 10, drawn to a perpetual motion machine fails to further limit claim 4. Claim 4, drawn to the falsehood of the Theory of Relativity, is an abstract idea. A

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device, recited in claim 10, does not further limit the abstract idea of claim 4 because they constitute different inventive concepts.

Claims 11, drawn to a process for eliminating the gravitational field, fails to further limit claims 5 and 9. Claim 5, drawn to a process for measuring the speeds and coordinates of particles, and claim 9, drawn to a vessel for storing particles, seem to have no connection to the claimed process of eliminating neutrinos and antineutrinos with gamma rays, thereby eliminating the gravitational field.

Conclusion

The prior art made of record cited again, and not relied upon is considered pertinent to applicant's disclosure. Enclosed is US Patent 3,697,996 (Elder et al.). This patent discloses a magnetic field producing apparatus. In the device of Elder et al., a magnetic field is produced by moving electric charges (current) through conductive elements (Items 16, 18, 20, and 22). The device of Elder et al. would produce a magnetic force on a charged particle moving in the produced magnetic field where the force experience is given by the well known expression $F = qV \times B$, in which F is the force vector, q is the quantity of charge moving in the magnetic field, V is the velocity vector of the charged particle, \times denotes the cross product, and B denotes the magnetic field vector. Examiner has also cited the Elder et al. patent to provide a reference for the proper format of claims as mentioned in the rejection under 35 USC 112 2nd paragraph as cited above.

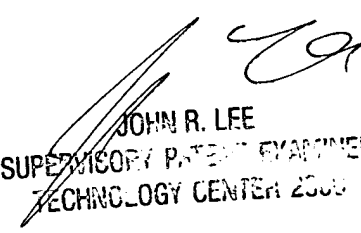
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Vanore whose telephone number is 703-306-0246. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Lee can be reached on 703-308-4116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-9797.

dav
August 20, 2003


JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800